

AFS
2/8/07

CERTIFICATION OF TRUTH, ACCURACY AND COMPLETENESS

Report Type: Annual Reporting Period: 1-1-06 To 12-31-06

DECID: 9-1464-00113/00031

Facility Name: Tonawanda Coke Corporation

Address: 3875 River Road

Tonawanda

New York 14150

FACILITY CONTACT:

Name: Mark L. Kamholz

Title: Manager-Environment Control

Telephone: 716 876-6222

RESPONSIBLE OFFICIAL:

Name: Gerald A. Priamo

Title: Plant Manager

Address: 3875 River Road

Tonawanda

New York 14150

Telephone: 716 876-6222

The Responsible Official must sign this statement after the applicable report form is completed.

I certify, under penalty of law, that based on information and belief formed after reasonable inquiry, the statements and information contained in these documents are true, accurate and complete.

Signature of Responsible Official: Gerald A. Priamo

Date: Jan 9, 2007

file: titlevc

RECEIVED
Region 9- Div. of Air
JAN 13 2007
N.Y.S. DEPT. OF
ENVIRONMENTAL CONSERVATION



TCC-DISC00000752

TCC-00135718

033-0001

ANNUAL MONITORING REPORT

TONAWANDA COKE CORPORATION

Condition Number	Application Requirement	Permit Level	Description of Requirement	Compliance Status Continuous or Intermittent	Method Used to Determine Compliance	Deviation Y/N
1	200.5	Facility	Sealing of Equipment	Continuous	Inspection	N
2	200.6	Facility	Maintain Ambient Air Quality	Continuous	Allows Commissioner To Require Controls When Contravention Occurs	N
3	200.7	Facility	Maintenance of Equipment	Continuous	Make Required Repairs	N
4	201-1.2	Facility	Unpermitted Sources	Continuous	Apply For Permit To Operate	N
5	201-1.5	Facility	Emergency Defence	Continuous	Report Provisions	N
6	201-1.7	Facility	Recycle And Salvage	Continuous	Administrative	N
7	201-1.8	Facility	Prohibit Reintroduction of Collected Contaminants Into The Air	Continuous	Administrative	N
8	201-1.10(b)	Facility	Public Access to Title V Records	Continuous	Administrative	N
9	201-3.2(a)	Facility	Proof of Eligibility	Continuous	Recordkeeping	N
10	201-3.3(a)	Facility	Proof of Eligibility-Trivial Source	Continuous	Recordkeeping	N
11	201-6	Facility	Criteria, Limits, Terms, Conditions, and Standards	Continuous	Reporting-Certification	N
12	201-6	Facility	Cessation or Reduction of Permitted Activity Not a Defence	Continuous	Administrative	N
13	201-6	Facility	Compliance Requirements	Continuous	Format of Compliance Reporting	N
14	201-6	Facility	Federally Enforceable Requirements	Continuous	Administrative	N
15	201-6	Facility	Fees	Continuous	Pay Fees	N
16	201-6	Facility	Monitoring, Recordkeeping, Reporting	Continuous	Administrative	N
17	201-6	Facility	Revocation, Modification, Reopening, Reissuance or Termination	Continuous	Administrative	N
18	201-6	Facility	Permit Shield	Continuous	Administrative	N
19	201-6	Facility	Property Rights	Continuous	No Conveyance of Property Rights or Any Exclusive Privilege	N
20	201-6	Facility	Reopening For Cause	Continuous	Specific Requirement for Reopening of Permit	N

TCC-DISC00000753

TCC-00135719

033-0002

ANNUAL MONITORING REPORT

TONAWANDA COKE CORPORATION

Condition Number	Application Requirement	Permit Level	Description of Requirement	Compliance Status Continuous or Intermittent	Method Used to Determine Compliance	Deviation Y/N
21	201-6	Facility	Right To Inspect	Continuous	Allow Authorized Personnel Access To Facility and Records	N
22	201-6	Facility	Severability	Continuous	Administrative	N
23	201-6	Facility	Emission Unit Definition	Continuous	Identify Emission Units of Facility	N
24	201-6.5(e)	Facility	Reporting - Annual	Continuous	File Report with Agency	N
25	201-6.5(c)(3)(ii)	Facility	Reporting - Semi Annual	Continuous	File Report with Agency	N
26	201-6.5(g)	Facility	Permit Exclusion Provision	Continuous	Administrative	N
27	202-1.1	Facility	Required Emission Tests	Continuous	Submit Acceptable Report	N
28	202-2.1	Facility	Compliance Certification of Emission Statement	Continuous	Submit Emission Statement by April 15 of Each Year	N
29	202-2.5	Facility	Keep Records for at Least 5 Years	Continuous	Administrative - Keep Records for at Least 5 Years	N
30	211.3	Facility	Visible Emission Limit on Permitted Open Burning	Continuous	Observe Opacity	N
31	215	Facility	Open Fire Prohibition	Continuous	No Open Burning	N
32	40 CFR 82 Subpart F	Facility	Recycling Emission Reduction From MVAC Appliances	Continuous	Use Certified Technicians	N
33	201-6	Facility	Emission Definition by Emission Unit	Continuous	Describe Emission By Emission Unit	N
34	201.6	Facility	Process Definition by Emission Unit	Continuous	Describe Process By Emission Unit	N
35	227-1.3(a)	EUL	Opacity Limit	Continuous	Method 9	N
36	227-2.4(e)(1)(iii)	EUL	RACT Analysis	Continuous	Report Submitted	N
37	227-2.4(d)	EUL	Tune-up On Boiler 2	Continuous	Did Not Operate	N
38	227-2.4(d)	EUL	Tune-up On Boiler 3	Continuous	Did Not Operate	N
39	227-2.4(c)(1)(iii)	EUL	Compliance Plan for Mid Sized Boiler	Continuous	Follow Plan	N
40	227-2.4(d)	EUL	Tune-up On Boiler 2	Continuous	Perform Tune-up	N

TCC-DISC00000754

TCC-00135720

033-0003

ANNUAL MONITORING REPORT

TONAWANDA COKE CORPORATION

Condition Number	Application Requirement	Permit Level	Description of Requirement	Compliance Status Continuous or Intermittent	Method Used to Determine Compliance	Deviation Y/N
41	227-2.4(d)	EUL	Tune-up on Boiler 3	Continuous	Did Not Operate	N
42	40 CFR 61.130(a) Subpart L	EUL	Applicability to Defined Equipment	Continuous	Administrative	N
43	40 CFR 61.130(a) Subpart L	EUL	Defines Certain Equipment at Foundry Plants for Performance Standards	Continuous	Make Required Equipment Modification and Perform Testing	N
44	40 CFR 61.132(b) Subpart L	EUL	Leak Detection	Continuous	Method 21	N
45	40 CFR 61.132.(c) Subpart L	EUL	Record Keeping Maintenance Procedures	Continuous	Inspection	N
46	40 CFR 61.135(a) Subpart L	EUL	Equipment in Benzene Service	Continuous	Determine if Equipment is in Benzene Service	N
47	40 CFR 61.135(a) Subpart L	EUL	Exceptions to Subpart V Requirements	Continuous	Subpart V is not Applicable	N
48	40 CFR 61.135(c) Subpart L	EUL	Labeling of Equipment in Benzene Service	Continuous	Label Equipment That is in Benzene Service	N
49	40 CFR 61.135(c) Subpart L	EUL	Requirement for Foundry Plant to Remain a Foundry Plant	Continuous	Monitor Production and Coke Time on an Annual Basis	N
50	40 CFR 61.138(a) Subpart L	EUL	Recordkeeping Requirements	Continuous	Records Kept	N
51	40 CFR 61.138(f) Subpart L	EUL	Leak Detection Report	Continuous	Method 21-Submit Report	N
52	40 CFR 61.135(d) Subpart L	EUL	Leak Detection Report	Continuous	Method 21-Submit Report	N
53	40 CFR 61.242-1 Subpart V	EUL	Labeling of Equipment	Continuous	Equipment Labeled	N
54	40 CFR 61.242-10 Subpart V	EUL	Delay of Repair Requirements	Continuous	Meet Requirements if Delayed	N
55	40 CFR 61.245(b) Subpart V	EUL	Monitoring Requirements	Continuous	Method 21-Submit Report	N
56	40 CFR 61.246(b) Subpart V	EUL	Leak Detection Report	Continuous	Method 21-Submit Report	N
57	40 CFR 61.246(c) Subpart V	EUL	Leak Detection Report	Continuous	Method 21-Submit Report	N
58	40 CFR 61.246(e) Subpart V	EUL	Leak Detection Report	Continuous	Method 21-Submit Report	N
59	40 CFR 61.247 Subpart V	EUL	Recordkeeping - Reporting	Continuous	Semi-Annual Report Submitted	N
60	40 CFR 61.242-6 Subpart V	EUL	Standards for Open Ended Valves and Lines	Continuous	Meet Standards	N

TCC-DISC00000755

TCC-00135721

033-0004

ANNUAL MONITORING REPORT

TONAWANDA COKE CORPORATION

Condition Number	Application Requirement	Permit Level	Description of Requirement	Compliance Status Continuous or Intermittent	Method Used to Determine Compliance	Deviation Y/N
61	40 CFR 61.242-8 Subpart V	EUL	Leak Detection Report	Continuous	Method 21- Submit Report	N
62	40 CFR 61.242-2 (a)(1) Subpart V	EUL	Leak Detection Report	Continuous	Method 21- Submit Report	N
63	40 CFR 61.242-2 (a)(2) Subpart V	EUL	Leak Detection	Continuous	Visual - Submit Report	N
64	40 CFR 61.242-7 (a) Subpart V	EUL	Leak Detection Report	Continuous	Method 21 - Submit Report	N
65	40 CFR 61.246(f) Subpart V	EUL	Recordkeeping	Continuous	Submit Report	N
66	212.6(a)	EUL	Opacity Limit	Continuous	Method 9 - Weekly Observations	N
67	40 CFR 63.306(a) Subpart L	EUL	Work Practice Plan Development	Continuous	Work Practice Plan in Place	N
68	40 CFR 63.306(c) (2) Subpart L	EUL	Implement Provisions of Work Practice Plan	Continuous	Monitor Visible Emissions	N
69	40 CFR 63.306(d) Subpart L	EUL	Work Practice Plan Revision	Continuous	Administrative	N
70	40 CFR 63.307(a) (2) Subpart L	EUL	Bypass/Bleeder Stack Venting	Continuous	Venting Only Through Flare System	N
71	40 CFR 63.307(b) Subpart L	EUL	Bypass/Bleeder Stack Requirements	Continuous	Flare Installed	N
72	40 CFR 63.307(c) Subpart L	EUL	Compliance Certification-Venting	Continuous	Submit Report	N
73	40 CFR 63.308 Subpart L	EUL	Compliance Certification-Collector Main	Continuous	Method 303	N
74	40 CFR 63.309 Subpart L	EUL	Performance Test and Procedures	Continuous	Recordkeeping	N
75	40 CFR 63.310 Subpart L	EUL	Requirements for Start-up, Shutdown, and Malfunction	Continuous	Start-up, Shutdown, and Malfunction Plan in Place	N
76	40 CFR 63.311(d) Subpart L	EUL	Compliance Certification	Continuous	Submit Report	N
77	40 CFR 63.311(e) Subpart L	EUL	Compliance Certification	Continuous	As Required	N
78	40 CFR 63.311(f) Subpart L	EUL	Recordkeeping	Continuous	Keep Records as Required	N
79	40 CFR 63.311(g) Subpart L	EUL	Records Availability to Union	Continuous	Records are Available to Union	N
80	40 CFR 312 Subpart L	EUL	Existing Regulations and Requirements	Continuous	Administrative	N

TCC-DISC00000756

TCC-00135722

033-0005

ANNUAL MONITORING REPORT**TONAWANDA COKE CORPORATION**

Condition Number	Application Requirement	Permit Level	Description of Requirement	Compliance Status Continuous or Intermittent	Method Used to Determine Compliance	Deviation Y/N
81	214.3	EUL	Coal Charging Limit	Continuous	Administrative	N
82	214.10(b)	EUL	Compliance Certification	Continuous	Method 303 Data	N
83	40 CFR 302(a) (1) Subpart L	EUL	Compliance Certification - Charging	Continuous	Method 303	N
84	214.7	EUL	Leaking Door Limit	Continuous	Administrative	N
85	214.7(c)	EUL	Oven Door Maintenance	Continuous	Method 303 Data	N
86	214.7(d)	EUL	Work Practice and Maintenance Plan	Continuous	Administrative	N
87	214.10(b)	EUL	Compliance Certification - Doors	Continuous	Method 303 Data	N
88	40 CFR 63.302(a) (1)(i)(B) Subpart L	EUL	Compliance Certification - Doors	Continuous	Method 303	N
89	40 CFR 63.302(a) (2)(ii) Subpart L	EUL	Compliance Certification - Door After 1-1-03	Continuous	Method 303	N
90	214.8(a)	EUL	Compliance Certification - Lids	Continuous	Method 303 Data	N
91	214.8(b)	EUL	Offtake Piping Leaks	Continuous	Method 303 Data	N
92	40 CFR 63.302(a) (1)(ii) Subpart L	EUL	Compliance Certification Lids	Continuous	Method 303	N
93	214.10(b)	EUL	Compliance Certification - Offtake Piping	Continuous	Method 303 Data	N
94	40 CFR 63.302(a) (1)(iii) Subpart L	EUL	Compliance Certification - Offtake Piping	Continuous	Method 303	N
95	214.4	EUL	Alternate Plan	Continuous	Method 303 Data	N
96	214.5	EUL	Compliance Certification - Quench Tower	Continuous	Testing	N
97	214.5	EUL	Compliance Certification - Quench Tower	Continuous	Testing	N
98	214.6	EUL	Compliance Certification - Stack	Continuous	Weekly Opacity Observations	Y
99	214.6	EUL	Compliance Certification - Stack	Continuous	3-Hour Block Opacity Observation	N
100	214.9(b)	EUL	NOx RACT Battery Heating	Continuous	Approved Plan	N

TCC-DISC00000757

TCC-00135723

033-0006

ANNUAL MONITORING REPORT

TONAWANDA COKE CORPORATION

Condition Number	Application Requirement	Permit Level	Description of Requirement	Compliance Status Continuous or Intermittent	Method Used to Determine Compliance	Deviation Y/N
101	214.(a)	EUL	Compliance Certification Stack	Continuous	Test Sulfur in Coal	N
102	212.6(a)	EUL	Compliance Certification Coke Screening	Continuous	Weekly Opacity Observation	N
103	201-1.4	Facility	Unavoidable Noncompliance and Violations	Continuous	Administrative	N
104	201-5	Facility	General Provisions	Continuous	Administrative	N
105	201-5	Facility	Permit Exclusion Provisions	Continuous	Administrative	N
106	201-5.3(b)	Facility	Contaminant List	Continuous	Administrative	N
107	211.2	Facility	Air Pollution Prohibited	Continuous	Administrative	N
108	212.9(a)	EUL	Compliance Demonstration	Continuous	Perform BACT Analysis Once During the Term of the Permit	N
109	212.9(a)	EUL	Compliance Demonstration	Continuous	Perform BACT Analysis Once During the Term of the Permit	N
110	212.3(a)	EUL	Compliance Demonstration	Continuous	Record Light Oil Thruput - Control If Emission Greater Than 1 lb./Hr.	N
1-4.7	201-7.1	Facility	Maintain Records of No. of Pushes in each of the Previous 12 Months.	Continuous	Administrative	N

TCC-DISC00000758

TCC-00135724

033-0007

TONAWANDA COKE CORPORATION

Per Mark Kamholz)
This refers to the NYSED NOV that was sent for specificity violations that were documented in May 2006.

[illegible]

TCC-DISC00000759

TCC-00135725

033-0008

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

Form Approved
OMB No. 2040-0004

Page 2

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME: TONAWANDA COKE CORP
ADDRESS: 3875 RIVER ROAD
TONAWANDA, NY 14150

NY0002399
PERMIT NUMBER

002M
DISCHARGE NUMBER

DMR MAILING ZIP CODE: 14150

FACILITY: TONAWANDA COKE CORP
LOCATION: 3875 RIVER ROAD
TONAWANDA, NY 14150

MONITORING PERIOD
YEAR MO DAY
06 09 01
TO YEAR MO DAY
06 09 30

MAJOR
(SUBR09)
COAL PILE RUNOFF
External Outfall

No Data Indicator ☐

Page 2
AG:RONALD A SNYDER

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE			
Flow rate	MEASUREMENT		104502					0	1/MO	INST
00056 1 0 Effluent Gross	PERMIT REQUIREMENT		Flow Mon DAILY MK	gal/d					Once Per Month	INST-M
PH	MEASUREMENT				7.42			0	1/MO	GR
00200 1 0 Effluent Gross	PERMIT REQUIREMENT				MINIMUM				Once Per Month	GR-M
Solids, total suspended	MEASUREMENT							0	1/MO	GR
00230 1 0 Effluent Gross	PERMIT REQUIREMENT								Once Per Month	GR-M
Oil & grease	MEASUREMENT							0	1/MO	GR
00956 1 0 Effluent Gross	PERMIT REQUIREMENT								Once Per Month	GR-M
Iron, total (as Fe)	MEASUREMENT							0	1/MO	GR
00545 1 0 Effluent Gross	PERMIT REQUIREMENT								Once Per Month	GR-M

QF. 3/22/11

Case 1:10-cr-00219-M


NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	TELEPHONE	DATE
J. D. CRANE, PRESIDENT	716-876-6222	06 10 30
TYPED OR PRINTED	AREA Code	NUMBER
		YEAR
		MO
		DAY

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
USE NO DISCHARGE BOX FOR NO FLOW CONDITIONS

MAJOR
(SUBR 09)
F - FINAL

*** NO DISCHARGE ☐ ***

NOTE: Read instructions before completing this form

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		TELEPHONE		DATE	
J.D. CRANE, PRESIDENT		716 876-6222		06 08 30	
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT			
<p>Completed and Evaluation of Annual Report</p> <p>I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</p>					

PAGE OF

*** NO DISCHARGE 1 1 未予核
NOTE: Read instructions before completing this form.

*** NO DISCHARGE 1 1 未予核
NOTE: Read instructions before completing this form.

PARAMETER		QUANTITY OR LOADING				QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS				
FLOW RATE	SAMPLE MEASUREMENT	*****	83183	(07)	*****	*****	*****		0	1/MO INST		
00056 1 0 0	PERMIT REQUIREMENT	*****	REPORT DAILY MX	*****	*****	*****	*****	*****	0	ONCE/MO INST		
00056 1 0 0	SAMPLE MEASUREMENT	*****	*****	*****	7.64	*****	7.64	(12)	0	1/MO GR		
00400 1 0 0	PERMIT REQUIREMENT	*****	*****	*****	6.0 MINIMUM	*****	9.0 MAXIMUM	SU	0	ONCE/MO GRAB		
00400 1 0 0	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	10.0	(19)	0	1/MO GR		
00530 1 0 0	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	50 DAILY MX	MG/L	0	ONCE/MO GRAB		
00530 1 0 0	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	1.6	(19)	0	1/MO GR		
00556 1 0 0	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	15 DAILY MX	MG/L	0	ONCE/MO GRAB		
00556 1 0 0	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	0.262	(19)	0	1/MO GR		
00045 1 0 0	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	4.0 DAILY MX	MG/L	0	ONCE/MO GRAB		
00045 1 0 0	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****	*****	*****	0	ONCE/MO GRAB		
1:10-cr-00219-WM HK Occurrence												
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		1 certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.										
J.D. CRANE, PRESIDENT		Should A. Buano MHC										
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT										
		716. 876-6222										
		06 09 28										
		DATE										

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)



New York Department of Environmental Conservation
Division of Environmental Remediation
Region 9 Office-Buffalo

FIELD INSPECTION REPORT

Date/Time: November 14, 2012, 0900 hrs.

Site Name: Tonawanda Coke Plant Site

Site Number: 1207205

Location: 3875 River Road Tonawanda(T), Erie County

Project Engineer: Greg Sutton

Weather Conditions: Partially Sunny, 45F

Purpose of Inspection: Respond to a spill complaint of the release of petroleum products from equipment and vehicles used on the property. In attendance during the inspection were Bob Kolvek and Pat Cahill representing Tonawanda Coke. Also in attendance during the inspection were Michael Hodanish and Larry D'Andrea of the EPA - Edison Office, who conducted a SPCC inspection of the facility.

See attached figure for reference to site locations.

TCC Plant Site:

1. **Accusation:** General Site - In areas where coal being handled - hydraulic lines from loader equipment frequently break and spill fluid. Repairs are made at location of breakdown and oil is allowed to soak into the ground and be covered by coal fines.

Observation: No obvious areas of oil spillage in the general site areas were noted during the walk through of the facility. While it is likely that releases occur, the dark color of the coke/coal fines material covering the majority of the ground at the facility make identification of releases (especially small releases) very difficult to detect.

2. **Accusation:** Round House/Oil House - Oil storage facility that has had multiple spills due to the equipment maintenance work that is conducted there.

Observation: While the ground in this area consists of the typical black coke/coal fines material, the surface soil also appears to be saturated with petroleum products. Sheens were observed on water draining from the area and the surface material had a physical oil consistency. (image.sp1207205.2012-11-14.2-OilHouseYard.jpg) However, no specific release was observed from the equipment being worked on at the time of the inspection although "speedydry" was spread in an area of the maintenance yard where it is assumed a recent "spill" had occurred. (image.sp1207205.2012-11-14.2-SpeedyDryiOnSpillInOilHouseYard.jpg).

3. **Accusation:** Extex - Coal separator/sorting area. Frequent failure of hydraulics hoses which results in 125/gal releases per event.

Observation: TCC staff noted that this piece of equipment is portable and is moved around the material handling yard as needed. (image.sp1207205.2012-11-14.3-Extex1.jpg & image.sp1207205.2012-11-14.3-Extex2.jpg) During the inspection, the unit was in operation and a constant leak from the motor assembly was observed. (image.sp1207205.2012-11-14.3-ExtexMotorLeak.jpg) Coal fines were piled around the unit making the observation of past releases very difficult to detect. No other releases were observed from the unit during the inspection. Note the western (03) area where the Extex was formerly located could not be inspected because it is currently covered with a

large pile of coal.

4. Accusation: Diesel fuel storage area - Equipment leaks when fuel is dispensed. Area is located north side of facility near the rail spur.

Observation: Two releases were noted during the inspection in the area of diesel fuel storage area. The tank in this area consists of a 14,700 gal. capacity AST and was labeled as containing diesel fuel (image.sp1207205.2012-11-14.4-DieselFuelTank1.jpg). Spilled fuel was observed in the area of the fuel area where the vehicles are parked during the fueling process. (image.sp1207205.2012-11-14.4-SpillInFuelingArea.jpg). There is no impermeable surface in this area so the release is directly to the ground. There is also a leaking valve on the storage tank (image.sp1207205.2012-11-14.4-LeakingValve.jpg & image.sp1207205.2012-11-14.4-DieselFuelTank2.jpg), resulting in a constant drip to the area within the containment berm which is made from coal/coke fine material (image.sp1207205.2012-11-14.4-DieselFuelTankContainmentSpillArea.jpg). The fuel was soaking into the site fill coke/coal fines material and there was no water within the containment area so it is doubtful that this area consists of non- permeable materials as required by PBS regulations for facilities exceeding 1,320 gallons capacity (image.sp1207205.2012-11-14.4-SpillInContainmentArea.jpg). Secondary containment is a requirement of several different federal and state regulations, specifically Part 112 of Title 40 of the Code of Federal Regulations and Parts 610, 613 and 614 of Title 6 of the New York State Code of Rules and Regulations.

5. Accusation: "36" Train - Leaks ~ 70 gals/shift. (now off-line and parked)

Observation: Both a Green & Red train engine were parked on a siding along the north end of the facility (image.sp1207205.2012-11-14.5-Red-BlueEngines.jpg). TCC staff indicated that both units were out of service. No spillage was observed from either unit however; the tracks in this area were noted to be severely stained from historical releases from these or other locomotive equipment previously used at the site (image.sp1207205.2012-11-14.5-RR_TrackStaining2.jpg, image.sp1207205.2012-11-14.5-RR_TrackStaining3.jpg & image.sp1207205.2012-11-14.5-RR_TrackStaining4.jpg).

6. Accusation: Wooden Trestle - Located in shipping area. Locomotive used here leaks oil onto structure and tracks.

Observation: Due to the excessive spillage of coke/coal fines material around the structure, no petroleum releases were observed in this area during the inspection (image.sp1207205.2012-11-14.6-WodenTressleArea.jpg).

7. Accusation: New Train (black locomotive); leaks gear oil from wheel assembly at ~ 2 gal./day Has been in service ~ 1 year. Located in various areas of yard.

Observation: The locomotive was in operation at the time of inspection. No obvious leakage was observed from this piece of equipment (image.sp1207205.2012-11-14.7-BlackEngine.jpg).

8. Accusation: Loader Storage area - Loaders are parked here overnight and when not in use. Equipment leaks onto surface areas.

Observation: Only one piece of equipment was parked in this area at the time of inspection. While no releases were noted from this specific piece of equipment, two areas were noted where petroleum had been recently released and were still visible on the surface of the fill coal/coke fine fill material (image.sp1207205.2012-11-14.8-

LoaderParkingArea.jpg & image.sp1207205.2012-11-14.8-ParkingAreaSpills.jpg).

9. Accusation: Stacker - Equipment used to pile coal around yard. Used to run on track but is now stationary. Severely leaks lubricating oil onto track below unit.

Observation: No releases to the surface were observed from this piece of equipment during the inspection (image.sp1207205.2012-11-14.9-Stacker1.jpg) TCC staff noted however that this unit has not been operated in over 3 months. However it was observed that several of the motor assemblies were caked with oily coal fines which could suggest that this unit leaks lubricating oil during operation (image.sp1207205.2012-11-14.9-Stacker2.jpg).

10. Accusation: Drum Area - Approx. 50-60 drums were emptied of their unknown contents and are being stored in the area. Contents were contained in two 300 gal. totes which are suspected to be then sprayed onto the coal fines prior to being charged to the ovens. The totes are located near the oil house/round house.

Observation: No totes were observed in the area of the oil house/round house during the inspection. 6 drums of "antifreeze/waste oil" were observed on the north side of the roundhouse on pallets. TCC staff indicated these drums are periodically picked up by SafetyKleen for disposal. The area of the empty drums was not inspected at this time (image.sp1207205.2012-11-14.10-OilHouseDrums.jpg).

11. General Site Observations: Due to the extensive contamination across the manufacturing area it is difficult to distinguish between the "sheens" given off from the coal tar facilities and those of wanton petroleum releases. As shown in the below referenced photos, there are continuous releases of tar residual from process equipment outside of their respective containment areas. Material within the containment areas reportedly are directed to the facility's wastewater treatment facility and eventually the Town of Tonawanda WWTP. Contaminants that are released outside the containment areas reportedly are discharged with general site storm water runoff to the facility's storm water treatment facility (oil/water separator) and eventually to the Niagara River.

image.sp1207205.2012-11-14.11-SecondaryCoolingTower.jpg

image.sp1207205.2012-11-14.11-TarPumpPiping.jpg

image.sp1207205.2012-11-14.11-TypicalTarPump.jpg

image.sp1207205.2012-11-14.11-TarTankContainment1.jpg

image.sp1207205.2012-11-14.11-TarTankContainment2.jpg

image.sp1207205.2012-11-14.11-TarTankContainment3.jpg

image.sp1207205.2012-11-14.11-TarTankContainment4.jpg

Also observed was a historical stained area, event of a past spill, in the area of the Light Benzene Oil storage tank area (image.sp1207205.2012-11-14.11-LightBenzeneOilTanks.jpg). This spill was also outside of the tanks containment structure (image.sp1207205.2012-11-14.11-LightBenzeneOilTankStaining.jpg).

Vanocur Plant Site

12. Accusation: "Bone yard" - Located behind the Vanocur Company Bldg, this area is where surplus equipment is located that is cannibalized for parts. Fluids are discharged to ground during disassembling process.

Observation: Several small areas of former petroleum releases were noted in this area: two areas were most likely where equipment was once placed and appeared to be older releases (image.sp1207205.2012-11-14.12-OilStainingInBoneYardArea.jpg). Another

area was directly beneath an old loader (image.sp1207205.2012-11-14.12-LeakingLoaderInBoneYardArea.jpg). The loader appeared to be in the process of disassembly and the release may have been from that process or the deteriorated state of the equipment (hoses) it's self (image.sp1207205.2012-11-14.12-LeakingLoaderInBoneYardArea.jpg).

13. Accusation: Spent Slurry Area - Used for the disposal of unused silicon slurry from brick making operation. Slurry is allowed to dry and harden and then is recycled.

Observation: This area is located on the south side of the facility and is elevated approximately 20 feet above the facility below at street grade. There appears to be approximately 200 cy of material currently located in this area.

14. Accusation: Refractory Brick Yard - Surplus/out of spec brick are placed here and then eventually crushed and recycled back into the production process.

Observation: Discarded refractory material was located in several piles to the rear (east) of the facility with the boundaries of the fenced property (image.sp1207205.2012-11-14.14-WasteCastings1.jpg & image.sp1207205.2012-11-14.14-WasteCastings1.jpg). A portable crusher is located outside the fenced area directly to the east which staff noted is used to crush the material and then recycle the millings back into the manufacturing process (image.sp1207205.2012-11-14.14-VanocurCastingCrusher.jpg) Leaking of either lubricating oil or fuel was noted beneath the crusher's engine area (image.sp1207205.2012-11-14.14-OilDrippingBeneathCrusher.jpg). A small portable diesel tank (100 gal.) was located adjacent to the unit. Division of Air staff participated at the inspection and is evaluating this complaint.

15. General Site Observations: In general, there was little process equipment with the facility that would generate spillage and chemical use also appeared to be minimal with no large vats or process tanks evident. During the brief tour of the facility, however, there appeared to be several drums and totes of unknown materials scattered within the structures that the TCC staff reported to be "left over" from the former IVACO operation (image.sp1207205.2012-11-14.15-Totes-Drums.jpg). In addition the facility maintains several AST (while mostly empty during the inspection) which are used to stored diesel fuel or hydraulic oil. Since the combined capacity of these tanks exceeds 1,100 gals and these tanks are currently not registered with the Department, the facility is in non-compliance with PBS regulations, ie: Part 612 of Title 6 of the New York State Code of Rules and Regulations. (image.sp1207205.2012-11-14.15-500galDieselTank.jpg & image.sp1207205.2012-11-14.15-1000galDieselTank.jpg)



image.sp1207205.2012-11-14.10-OilHouseDrums.jpg



image.sp1207205.2012-11-14.11-LightBenzeneOilTanks.jpg



image.sp1207205.2012-11-14.11-LightBenzeneOilTankStaining.jpg



image.sp1207205.2012-11-14.11-SecondaryCoolingTower.jpg



image.sp1207205.2012-11-14.11-TarPumpPiping.jpg



image.sp1207205.2012-11-14.11-TarTankContainment1.jpg



image.sp1207205.2012-11-14.11-TarTankContainment2.jpg



image.sp1207205.2012-11-14.11-TarTankContainment3.jpg



image.sp1207205.2012-11-14.11-TarTankContainment4.jpg



image.sp1207205.2012-11-14.11-TypicalTarPump.jpg



image.sp1207205.2012-11-14.12-LeakingLoaderInBoneYardArea.jpg



image.sp1207205.2012-11-14.12-LeakingLoaderInBoneYardArea2.jpg



image.sp1207205.2012-11-14.12-OilStainingInBoneYardArea.jpg



image.sp1207205.2012-11-14.14-OilDrippingBeneathCrusher.jpg



image.sp1207205.2012-11-14.14-VanocurCastingCrusher.jpg



image.sp1207205.2012-11-14.14-WasteCastings1.jpg



image.sp1207205.2012-11-14.14-Wastecastings2.jpg



image.sp1207205.2012-11-14.15-1000galDieselTank.jpg



image.sp1207205.2012-11-14.15-500galDieselTank.jpg



image.sp1207205.2012-11-14.15-Totes-Drums.jpg



image.sp1207205.2012-11-14.2-OilHouseYard.jpg



image.sp1207205.2012-11-14.2-SpeedyDryiOnSpillInOilHouseYard.jpg



image.sp1207205.2012-11-14.3-Extech1.jpg



image.sp1207205.2012-11-14.3-ExTech2.jpg



image.sp1207205.2012-11-14.3-ExtechMotorLeak.jpg



image.sp1207205.2012-11-14.4-DieselFuelTank1.jpg



image.sp1207205.2012-11-14.4-DieselFuelTank2.jpg



image.sp1207205.2012-11-14.4-DieselFuelTankContainmentSpillArea.jpg



image.sp1207205.2012-11-14.4-LeakingValve.jpg



image.sp1207205.2012-11-14.4-SpillInContainmentArea.jpg



image.sp1207205.2012-11-14.4-SpillInFuelingArea.jpg



image.sp1207205.2012-11-14.5-Red-BlueEngines.jpg



image.sp1207205.2012-11-14.5-RR_TrackStaining.jpg



image.sp1207205.2012-11-14.5-RR_TrackStaining2.jpg



image.sp1207205.2012-11-14.5-RR_TrackStaining3.jpg



image.sp1207205.2012-11-14.6-WodenTressleArea.jpg



image.sp1207205.2012-11-14.7-BlackEngine.jpg



image.sp1207205.2012-11-14.8-LoaderParkingArea.jpg



image.sp1207205.2012-11-14.8-ParkingAreaSpills.jpg



image.sp1207205.2012-11-14.9-Stacker1.jpg



image.sp1207205.2012-11-14.9-Stacker2.jpg



TONAWANDA COKE CORPORATION

**BUSINESS PLAN FOR THE FISCAL YEAR ENDED
JUNE 30, 2009**

***"THIS DOCUMENT CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION THAT
IS THE EXCLUSIVE PROPERTY OF TONAWANDA COKE CORPORATION"***

**TONAWANDA COKE CORPORATION
BUSINESS PLAN FY 2009
3875 RIVER ROAD
TONAWANDA, NY 14150**



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TONAWANDA COKE CORPORATION

BUSINESS PLAN FOR THE FISCAL YEAR ENDED JUNE 30, 2009

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**TONAWANDA COKE CORPORATION
BUSINESS PLAN FY 2009
3875 RIVER ROAD
TONAWANDA, NY 14150**

BUSINESS PLAN APPROVED BY:



MARKET ANALYSIS

MARKET DEFINITION

INDUSTRY ANALYSIS

The foundry coke market is in the mature stage. As such there has been no appreciable growth over the recent past, nor projected growth for the foreseeable future.

MARKET SEGMENT

TCC's foundry coke market segment is primarily regional, and composed of the casting, smelting and sugar beet industries, which utilize a cupola-melt production process.

Currently, TCC controls the Canadian market and four merchant suppliers share the domestic market.

The market segment fluctuates with economic cycles, but has remained and is anticipated to be stable for the foreseeable future.

STRENGTHS

In terms of product strength, Tonawanda Coke Corporation has several distinct advantages over the competition, such as an accredited quality system, statistical process control of product characteristics and "just-in-time" delivery capabilities.

In terms of marketing strategy, TCC's most powerful assets are regular, personalized customer contact through inside Customer Service and outside Sales Agents. Also, through continual public exposure through the company's web site.

In the corporate arena, Tonawanda Coke is supported by senior officials with extensive industry knowledge and business acumen.

Weaknesses

While there are some physical weaknesses inherent in our product, the only notable marketplace disadvantages occur through size and product chemistry inconsistencies.

TCC's major competitive weakness is the inability to compete in the southern and western domestic market due to the unfavorable freight-pricing conditions that exist.

Significant environmental pressures include ongoing compliance with local, state and federal emissions regulations.

Key factors that have resulted in the present competitive posture within the industry are the supply and escalating cost of coal.

In all comparisons with the competition, Tonawanda Coke's products provide comparable features and performance value, and in most cases, the differences are relatively few. A complete technical comparison is available.

COMPETITIVE ROUNDUP

Tonawanda Coke Corporation's product favorably compares to the competition in most critical success factors.

OBSERVATIONS AND CONCLUSIONS

It is apparent from the above information that Tonawanda Coke has established itself as a competitive participant in the foundry coke market.

RISKS

BUSINESS RISKS

- (1) Industry Growth: the sale and consumption of our product has remained relatively constant over the past five years, and Tonawanda Coke Corporation and other companies shall continue to monitor their capacity.
- (2) Economic: The external risks affecting TCC are normal business and economic cycles. The best strategy for Tonawanda Coke is to strategically compensate for these cycles to remain profitable.

ENVIRONMENTAL RISKS

- (1) Regulatory: The laws that may impact our product are primarily environmental. Tonawanda Coke Corporation will stay abreast of legal issues facing our industry through trade associations.
- (2) Weather: Poses a variable effect upon operations and environmental compliance.
- (3) Economic: Compliance with environmental mandates often involves substantial capital expenditures.

U.S. v. Tonawanda Coke Corporation
and Mark L. Kamholz
10-CR-219

SUMMARY OF VICTIM IMPACT STATEMENTS RECEIVED

Statement Number	Victim	Date of Statement
1	ARONICA, Carol	Undated
2	ARONICA, Robin Charles & Peter	Undated
3	ARTMAN, Elmer & Cecelia	Undated
4	ASWAD, Grace	Undate
5	BADGLEY, Larry	6/20/13
6	BARTOLOMEO, John	5/17/13
7	BENTLEY, David	6/14/13
8	BERTINI, John and Robin	6/27/13
9	BLENDOWSKI, Eric	Undated
10	BLUE DeReese	Undated
11	BLUE, Duane	Undated
12	BOROWIEC, Michael	5/30/13
13	BOWER,Ricky	6/14/13
14	BROWN, David	5/31/13
15	BRUGGEMAN, Jennifer	Undated
16	BUCK, Heather	Undated
17	BUDZINSKI, John	6/06/13
18	BUTCHER, Betty	6/13/13
19	CAREY, Brittany	Undated
20	CARTER, Durwand	Undated
21	CARUANA, Anthony	5/23/13
22	CASTNER, Jessica	4/30/13

Statement Number	Victim	Date of Statement
23	CHENEY, Marla	5/25/13
24	CHILELLI, Janet	6/23/13
25	CIANCIO, Maureen	4/16/13
26	COLLINS & COLLINS Attorneys	6/27/13
27	COLLINS, Janice	Undated
28	COOKE, Mary	Undated
29	COPE, Thomas	Undated
30	COUVELLA, Joseph & Shirley	Undated
31	CREEDON, James & James	Undated
32	CRUZZOLO, Peggy	Undated
33	DAVIS, Rick	Undated
34	DeFAZIO, Linda	Undated
35	DUNBAR, Mary	Undated
36	DUNNE, Lisa Marie	Undated
37	ESPOSITO, Alphonse	6/19/13
38	ESPOSITO, David and Terri	Undated
39	EVANS, Diane	Undated
40	EVERT, Diane	Undated
41	FARQUHARSON, Jay	Undated
42	FATTA, Michelle	Undated
43	FEKETE, Toni	Undated
44	FITZGERALD, Gerald	Undated
45	FRENZ, Donna	Undated
46	GALLAGHER, Jack	Undated
47	GIAMBRA, Theresa	6/03/13
48	GLEASON, Jamie and Jodi	Undated
49	GREENAWALT, Kathleen	Undated

Statement Number	Victim	Date of Statement
50	GUENTHER, Anthony	Undated
51	HARDWICK, Kevin	7/31/13
52	HENNEMAN, Barbara	Undated
53	HENNESSY, Donna	Undated
54	HENRY, Raymond and Linda	Undated
55	HERLPIAU, Charles	Undated
56	HIGGINS Family	Undated
57	HIGGINS, Brian	Undated
58	HIRSCH, Robert and HENDERSON, Adele	6/26/13
59	HOGENKAMP, Joyce	Undated
60	HOLLER, C.	6/14/13
61	HORTON, James and Carol	6/29/13
62	IAK, Marian	Undated
63	IVANCIC, John	6/13/13
64	KENNEDY, Rachel / LEACH, Paula	Undated
65	KENNY, Debbie Lynn	6/13/13
66	KOLBE, Susan	Undated
67	KOVACHI, Victor	Undated
68	KURTZWORTH, Claudia	Undated
69	LEWIS, Andrea	Undated
70	MAGGIO, Stephanie	Undated
71	MARCEL, Robert	Undated
72	MAROZ, William	Undated
73	MARX, Colleen	Undated
74	MAZUR, Susan	Undated
75	McCUE, Terrence	Undated

Statement Number	Victim	Date of Statement
76	McELDOWNEY, Ronald	6/19/13
77	McINTOSH, Richard	Undated
78	McPHEE, Anita	5/24/13
79	MEAGHER, William	Undated
80	MOELLER, Kathleen	Undated
81	MORDAUNT, Jacqueline	Undated
82	NERBY, Kathleen	Undated
83	O'BRYAN, David	Undated
84	O'NEILL, Lori	Undated
85	PALMER, Loretta	6/03/13
86	PAUSE, Ida	Undated
87	PIATEK, Jean	4/28/13
88	PIERCE, Tricia	Undated
89	PILOZZI, Ronald (Mayor of City of Tonawanda)	6/20/13
90	REBOY, Diane	6/29/13
91	RINARD, Catherine	Undated
92	ROBINSON, Erin	Undated
93	ROHRER, Barbara	6/19/13
94	ROTOLO, Marianne	6/26/13
95	RUSSELL, David and Roxanna	Undated
96	RYAN, Thomas and Jeffrey	Undated
97	SAMPIERI, Antonette	Undated
98	SARDO, Kim	Undated
99	SCHEFFLER, Janet	Undated
100	SCHIMMINGER, Robin	7/02/13
101	SCHREIBER, Bruce	6/04/13

Statement Number	Victim	Date of Statement
102	SCIUK, Branka	6/26/13
103	SELOVER, Ralph and Rae Marie	Undated
104	SLIWINSKI, Richard	Undated
105	SMITH, Wayne	5/24/13
106	SMUTZER, Ann	Undated
107	SPENCER, Shannon	6/24/13
108	STREICHER, Jaclyn	Undated
109	SULLIVAN, Sandra	6/13/13
110	SZYDLOWSKI, Barbara	6/25/13
111	SZYMANSKI, John and Estelle	Undated
112	TEMPEST, Susan and LAVIN, Alisha	Undated
113	TIEDEMANN, Jeff and Terri	6/13/13
114	TORRE, Nicholas	Undated
115	TRETTEL, John Roger and LARE, Sandra	6/17/13
116	UNKNOWN 38 Winkler	Undated
117	UNKNOWN Stories	Undated
118	UNKNOWN, Written about daughter, Rosanna Russell	Undated
119	UNKNOWN	Undated
120	Unknown	Undated
121	Unknown	Undated
122	Unknown	Undated
123	USHER, Robert	Undated
124	VACANTI, Donald	7/01/13
125	VANOVAC, Miljan	Undated

Statement Number	Victim	Date of Statement
126	WESTLAKE, Elizabeth	5/25/13
127	WISNIEWSKI, Cynthia	6/14/13
128	WORDER, Carolyn	7/30/13